

1 HOLLAND & KNIGHT LLP
2 Samuel J. Stone (SBN 317013)
3 400 S. Hope Street, 8th Floor
4 Los Angeles, CA 90071
Telephone: (213) 896-2400
Facsimile: (213) 895.2450
Email: sam.stone@hklaw.com

5 HOLLAND & KNIGHT LLP
Nipun J. Patel (*pro hac vice*)
6 Justin M. Kadoura (*pro hac vice*)
1650 Market Street, Suite 3300
7 Philadelphia, Pennsylvania 19103
Phone: 215.252.9527
8 Fax: 215.867.6070
9 Email: nipun.patel@hklaw.com
justin.kadoura@hklaw.com

10 Attorneys for Defendants
11 WSP USA, INC., WSP USA BUILDINGS INC., and
kW MISSION CRITICAL ENGINEERING, D.P.C.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

16 CG ENTERPRISES HOLDINGS, LLC, a) Case No.: 3:24-CV-00292
17 California limited liability company; and) Hon. Charles R. Breyer
18 STEPHEN M. COON, an individual)
19 Plaintiffs,)
20 vs.)
21 WSP USA, INC., a New York corporation;)
22 WSP USA BUILDINGS, INC., a New)
23 York corporation; kW MISSION)
24 CRITICAL ENGINEERING, D.P.C., a)
New York design professional corporation;)
and DOES 1 through 20, inclusive,)
Defendants.)
JOINT STIPULATION AND ORDER
TO EXTEND THE PAGELIMIT
DEFENDANTS' FORTY-FIFTH
MOTION TO DISMISS OR
PURSUANT TO FEDERAL
CIVIL PROCEDURE 12(b)(6)

**JOINT STIPULATION AND MOTION
TO EXTEND THE PAGE LIMIT FOR
DEFENDANTS' FORTHCOMING
MOTION TO DISMISS OR STAY
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 12(b)**

1 **JOINT STIPULATION AND MOTION TO EXTEND THE PAGE LIMIT FOR**
 2 **DEFENDANTS' FORTHCOMING MOTION TO DISMISS OR STAY PURSUANT TO**
 3 **FEDERAL RULE OF CIVIL PROCEDURE 12(b)**

4 Plaintiffs CG Enterprise Holdings, LLC and Stephen Coon (“Plaintiffs”) and Defendants
 5 WSP USA, Inc., WSP USA Buildings, Inc. and kW Mission Critical Engineering, D.P.C.
 6 (“Defendants,” and collectively with Plaintiffs the “Parties”), by and through their respective
 7 undersigned counsel, hereby jointly stipulate and move the Court for leave to exceed the page
 8 limits set forth in Civil Local Rule 7-11 as follows (“Stipulation”):

9 **WHEREAS**, the General Standing Order for Civil and Criminal Cases Before Judge
 10 Charles R. Breyer provides in relevant part that briefs/memoranda of points and authority in
 11 support of a motion “may not exceed 15 pages in length,” which may be exceeded upon leave of
 12 Court and a showing of good cause;

13 **WHEREAS**, Defendants anticipate bringing a Motion to Dismiss Pursuant to Fed. R.
 14 Civ. P. 12(b) or in the Alternative to Stay or Transfer this Action (“Motion”) on or before
 15 February 2, 2024;

16 **WHEREAS**, this Action is one of multiple actions pending in this Court and in AAA
 17 arbitration, between Plaintiffs and Defendants, all of which arise from the same common nucleus
 18 of operative fact;

19 **WHEREAS**, Defendants’ anticipated Motion will address (1) the current arbitration
 20 proceedings between the Parties and related state and federal court actions, (2) the restrictive
 21 covenant agreements between the Parties; (3) Defendants belief regarding the correct forum for
 22 this Action and Plaintiffs’ allegedly improper anticipatory filing/forum shopping, (3)
 23 Defendants’ belief that this Court lacks personal jurisdiction over Defendants, (4) choice-of-law
 24 and venue issues, (5) a stay of litigation under the Federal Arbitration Act in the alternative, (6)
 25 Dormant Commerce Clause issues arising from a new statute; (7) transfer of this action to the
 26 Southern District of New York; and (8) a complex fact pattern with multiple actions, as well as

1 what Defendants allege is a sham corporate Plaintiff, and Plaintiffs' wholesale efforts to side-
2 step valid restrictive covenant agreements;

3 **WHEREAS**, because the Motion will also include Defendants' arguments in favor of
4 transferring this action to the Southern District of New York pursuant to § 1404(a), it will
5 obviate the need to file a separate, lengthy motion on that issue;

6 **WHEREAS**, Defendants seek an additional seven (7) pages of briefing such that their
7 total brief may be no longer than twenty (22) pages, excluding title pages, indexes of cases, table
8 of contents, exhibits, affidavits and summaries of argument;

9 **WHEREAS**, the Parties agree that the subject-matters above and complex issues require
10 fulsome, comprehensive briefing on the subject-matters, subject to this Court's approval, and
11 that such issues constitute good cause to grant this Stipulation; and

12 **WHEREAS**, Defendants agree that should the Court grant this administrative relief as
13 requested, Defendants stipulate to permit Plaintiffs an equivalent extension to their page limit.

14 **THEREFORE**, the Parties jointly stipulate and move the Court for an Order extending
15 the page limits for as set forth above.

16 Dated: February 1, 2024

DENTON PETERSON DUNN

17 By /s/ Scott F. Gibson
18 Attorneys for Plaintiff

19 CG ENTERPRISES HOLDINGS, LLC
20 STEPHEN M. COON

21 Dated: February 1, 2024

HOLLAND & KNIGHT LLP

22 By: /s/ Samuel J. Stone
23 Attorneys for Defendants

24 WSP USA, INC., WSP USA BUILDINGS INC.,
25 and kW MISSION CRITICAL ENGINEERING,
26 D.P.C.

27 *Pursuant to N.D. Cal. Local Rule 5-1, the e-filer
28 attests that each of the Signatories have concurred
in the filing of this document.*